THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 24828 of 2005

Dated: 03-04-2006

Between:

P.Rambabu

..... PETITIONER

AND

The Additional Agent to the
Government, E.G. District,
Rampachodavaram and four others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No. 24828 of 2005

O R D E R:

This writ petition is filed seeking a declaration that the action of the respondents in evicting the petitioner from the land to an extent of Ac.1.82 cents in Sy.Nos. 233/2 and 238/3 of Kambalampalem village, Devipatnam Mandal, East Godavari District, in pursuance of the order dated 17-09-2005 passed by the first respondent in C.M.A.No.39 of 2004 pending disposal of the revision filed before the fourth respondent, is arbitrary and illegal.

The material on record shows that the first respondent, by order dated 17-09-2005 in C.M.A.No.39 of 2004, upheld the order dated 30-06-2003 passed by the Special Deputy Collector, (Tribal Welfare), in respect of the land in question and thereby directed eviction of the petitioner for restoration of the same to the 5th respondent herein. Aggrieved by the same, the petitioner preferred a revision before the fourth respondent. Though the petitioner sought for stay of operation of the impugned order dated 17-09-2005, no such order was passed and aggrieved by the said action, the present writ petition has been filed.

This Court, while ordering notice to the respondents by order dated 22-11-2005, directed that the petitioner shall not be evicted from the land in question.

Since admittedly the revision preferred by the petitioner, against the order dated 17-09-2005 in C.M.A.No.39 of 2004, is pending before the fourth respondent, I am of the opinion that it would be appropriate to protect the possession of the petitioner till the disposal of the revision petition.

Accordingly, the writ petition is disposed of with a direction to the fourth respondent to dispose of the revision petition pending on its file as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order. Till such time, the petitioner shall not be evicted from the land in question.

The writ petition is accordingly disposed of. No costs.

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G.ROHINI,J

Dated: 03-04-2006
klp